

186 Center Street Suite 290 Clinton, NJ 08809 (908) 735-9315 (908) 735-2132 FAX

September 17, 2007

VIA ELECTRONIC & U.S. MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 4 – August 2007
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

 On August 15, 2007, representatives of CPG (de maximis. ENSR and the bathymetry subcontractor Gahagan & Bryant) participated in a conference call with representatives of EPA, USACE and NJDEP as a kickoff meeting for the bathymetry survey. Equipment, data reduction, field oversight and schedule were discussed. A summary of each was requested by EPA and provided by CPG. Ms. A. Yeh LPRSA RI/FS - Progress Report No. 4 – August 2007 September 17, 2007 Page 2 of 6

 On August 22, 2007, representatives of CPG (de maximis, ENSR and Windward) participated in a Sampling Work Group Meeting with representatives of EPA, the Partner Agencies and other stakeholders to review comments on the 2007 Fall field plans.

Correspondence

- On August 2, 2007, the CPG was notified that EPA had extended the EPA Partner Agencies' comment period on the Draft 2007 Fall Field plans until August 15, 2007. A meeting date of August 22, 2007 was set to review comments.
- On August 3, 2007, EPA provided a summary memoranda to CPG (de maximis and ENSR) on methyl mercury and pesticide evaluation
- On August 7, 2007, the CPG received notification from EPA that the Dundee Lake high resolution core data from January 2007 were uploaded to the PREmis database.
- On August 14, 2007, the CPG provided a comment response and revised RI/FS Project Schedule in response to receipt of EPA comments on July 30, 2007.
- On August 14, 2007, the CPG provided questions to EPA to be discussed during the Bathymetry Survey kickoff call scheduled for August 15, 2007.
- On August 14, 2007, the EPA notified the CPG that they would have until September 12, 2007 to produce a National Remedy Review Board statement on the LPRRP Source Control Early Action Focus Feasibility Study.
- On August 15, 2007, the CPG submitted Monthly Progress Report #3 to EPA.
- On August 16, 2007, the CPG provided a schedule, data format and equipment description summary of the upcoming Bathymetry Survey to EPA in response to questions raised during the August 15, 2007 kickoff meeting call.
- On August 16, 2007, EPA notified the CPG of the NJDEP's Scientific Collection permit and indicated that under CERCLA, substantive portions would need to be met. It was recommended that a decision on what substantive portions would be required be clarified in a discussion with NJDEP at a time to be established.
- On August 16, 2007, the EPA provided consolidated comments from the EPA/Partner Agencies on the Draft 2007 Sediment Grab Sampling Plan; Draft 2007 Habitat Identification Survey UFP QAPP; and Draft 2007 Reference/Urban Background Survey UFP QAPP.



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- On August 21, 2007, the CPG contacted EPA to review the purpose and objective of the August 22, 2007 meeting to review Agency/Stakeholder comments. EPA provided a list of anticipated attendees. CPG provided a list of topics that addressed the majority of the comments.
- On August 24, 2007, the EPA contacted the CPG to establish leads for Working Group conference calls; the CPG provided leads on August 25, 2007.
- On August 24, 2007, the CPG contacted HydroQual (after confirming with EPA) to establish a time for a call to discuss comments on model review to allow CPG to proceed with model deliverable review. Due to scheduling issues, the date for the call was established within the next reporting period (September 7, 2007).
- On August 27, 2007, EPA confirmed in response to a CPG question that the most recent PAR version is dated July 2005 (not 2006 as referenced in the FFS).
- On August 27, 2007, the CPG notified EPA that single beam survey work commenced on August 25, 2007.
- On August 29, 2007, the CPG provided EPA with modified Data Needs/Data Uses (Data Use Objectives) as a follow-up to the August 22, 2007 meeting.
- On August 29, 2007, notification was sent by EPA to CPG/Stakeholders that Working Group meetings would be scheduled the week of September 3; a follow-up email with a definitive schedule was provided by EPA on August 30, 2007.
- On August 30, 2007, EPA provided a schedule and time for each Working Group conference call.

Work

Single beam survey work detailed in the Bathymetry Survey Plan commenced on August 25, 2007. On-water work was not conducted on August 26, 2007 while EPA oversight was reviewed. CPG was notified on August 28, 2007 that no oversight would be scheduled to oversee single-beam survey work and offered delivery of data collected for review if desired. An updated schedule for conducting multi-beam work was provided to EPA on August 29, 2007 which projected on-water data collection activities to commence on September 10, 2007. That schedule was checked and updated on August 30, 2007 with no projected change in start date.



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- Review of EPA and Stakeholder consolidated comments on the proposed Fall 2007 Plans was initiated and responses were outlined.
- Additional aerial mapping work product was received from GEOD (subcontractor).
- Responses to an Analytical Laboratory Request for Proposal for proposed 2007 sample collection were received and are currently being reviewed.
- Work continued on review of the Hydrodynamic model provided by the EPA in late June.
- Work commenced on the screening of potential Feasibility Study screening alternatives to ensure Work Plans for RI/FS activities are adequate to complete evaluations.

(b) Results of Sampling and Tests

Processing of the LPRSA aerial photography task approved by the EPA in March 2007 has progressed. Final ortho photos are being used in the development of figures in 2007 Fall Field plans including preliminary habitat map work performed in advance of field reconnaissance. Contouring is nearly completed as is planimetric work. CPG is anticipating but not in receipt of the latter items.

The Single beam Bathymetry field work was completed in the reporting period, however, CPG has not taken receipt of raw or other data.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

The CPG is in receipt of EPA comments on draft documents representing proposed 2007 field work tasks. A Sampling Work Group meeting was held on August 22, 2007 to review comments and to formulate a plan for addressing comments requiring further clarification or discussion. Comments requiring clarification or discussion were addressed in separate working group meetings held the first week of September. Within the next reporting period, responses will be provided to comments and plans will be revised in accordance with responses. This work will be accomplished before the end of September on the following plans:

- Sediment Grab Sampling Plan
- Habitat Identification Survey UFP QAPP
- Reference/Urban Background Survey UFP QAPP



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Fish Community/Fish/Crayfish Tissue Sampling UFP QAPP

It is the CPG's anticipation that revised plans will be reviewed such that field work can commence in October. The commencement of field work in October is important both due to efficiency (related to seasonality) and receipt of data in time to inform the development of the 2008 Field Plan.

Additionally, multi-beam bathymetric survey work is being conducted in September. A final data report on both surveys is scheduled for delivery in early November.

The full aerial survey package is due to CPG in September; following review and verification. Upon demonstrating acceptable controls and reports, a package will be delivered to EPA in October.

The CPG's review of EPA's Hydrodynamic Model is ongoing. To date CPG has: inventoried deliverables; compared model deliverables to those presented in the Hydrodynamic Calibration Report and the FFS report; compiled FORTRAN code to run models; ran models and compiled a list of questions to review with the Agency. A call was placed to the Agency in August to review questions. Due to scheduling issues at EPA's subcontractor, the call could not be scheduled (and did not happen) until September [September 7, 2007]. Provided questions on files can be readily addressed, work over the next two reporting periods will include: post-processing of output from model runs which includes development of routine for viewing output; comparison of model output to that predicted by EPA's subcontractor on behalf of EPA. Following successful demonstration that the model predictions reproduce those of EPA subcontractor, the model will be utilized for the project. The sediment transport modeling code development will be potentially initiated within the next two reporting periods.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

CPG is not in receipt of all Modeling Deliverables that were to be provided pursuant to Appendix E (Modeling Data Needs) of the Settlement Agreement on or about April 30, 2007. EPA informed CPG of the delay on May 4, 2007. Currently, outstanding items include: hydrodynamic model output files; documentation for RCA-EUTRO (SWEM), RCA-TOX and Farley Bioaccumulation model; and water column data used to calibrate the LPR/NB Hydrodynamic

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model component. In this reporting period, a request was made to have a call to review questions on model code received to date. [A call was held in early September to address CPG questions due to scheduling issues.]

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel

William Hyatt, CPG Coordinating Counsel

Megan Grubb, USACE

Lisa Baron, NJDOT

Tim Kubiak, USFWS Reyhan Mehran, NOAA

Janine MacGregor, NJDEP

Kristine Carbonneau, ENSR